

OGC 72-0420

22 March 1972

MEMORANDUM FOR THE RECORD

SUBJECT: U. S. v. IBM (69 Civ. 200, S.D.N.Y.)

REFERENCE: Ltr fr Acting Ass't Atty Gen., Antitrust
Division/Justice to LRHouston,
dtd 10 Mar 72, Same Subject

1. The referent advised that the U. S. District Court has ordered the United States to produce certain documentation in response to IBM's initial Demand filed October 27, 1970. It enclosed a set of instructions (Schedule 1), a description of the documentation sought (Schedule 2), and a list of agencies required to conduct a search of their files (Schedule 3). Schedule 3 identifies the Agency and NSA, among others.

2. On 14 March I discussed the matter of Agency compliance with Chuck Briggs in his capacity as Chairman, Information Processing Board. At that time I left with him a copy of the referent together with its enclosures. I asked that some consideration be given to the problems that the required search would pose. I suggested that copies of the referent with its enclosures be distributed among the Information Processing Coordinators within the several Directorates.

3. Today, [] of Briggs' staff said that comments had been received from some, but not all, Information Processing Coordinators. In view of the 15 April deadline set for making the materials available for inspection by IBM representatives, I

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requested that the delinquent Coordinators be urged to cooperate. In response to [] direct question, I said that in the circumstances here an Agency search for the type of documentation indicated was required. I hastened to add that if compliance were to pose unique problems for the Agency we could raise them with the Antitrust Division. I pointed out, however, that the immediate need was to determine what, if any, of the described documentation we had and to identify the specific problems that would arise if our documentation is made available to IBM.

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Assistant General Counsel

OGC:RJB:bg

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